

## Message Text

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PAGE 01 MOSCOW 08039 071925Z  
ACTION EUR-12

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E. O. 11652: N/A  
TAGS: EAIR, UR, US  
SUBJECT: SOVIET RESPONSE TO US NOTE ON BILATERAL CIVAIR ISSUES

REFS: A. STATE 72018, B. STATE 066999

SUMMARY: IN A STRONGLY-WORDED NOTE, MFA STATES THAT UNTIL A NEW BILATERAL ACCORD IS REACHED PAN AM CHARTER REQUESTS WILL BE CONSIDERED IN RELATION TO THE TOTAL VOLUME OF FLIGHTS BY PAN AM AND AEROFLOT BETWEEN THE TWO COUNTRIES. THE JUNE 4 NOTE ALSO (1) REJECTS THE US INTERPRETATION OF THE "STATUS QUO" IN REGULAR SERVICES AND THE LINKAGE OF AEROFLOT SERVICE TO WASHINGTON WITH SOVIET APPROVAL OF US CHARTERS; (2) CRITICIZES THE US FOR "CURTAILING" SERVICES AND MOVING AWAY FROM THE INTENT OF THE 1973 RPTOCOL; AND (3) INSISTS THAT RESOLUTION OF THE "IMBALANCE" PROBLEM TAKE BOTH CHARTER AND REGULAR FLIGHTS INTO ACCOUNT. THE NOTE ENDS WITH AN OFFER TO CONTINUE BILATERAL TALKS, BUT "IT IS EXPECTED" THE US WILL "DISPLAY A POSITIVE ATTITUDE" TOWARD SOVIET PROPOSALS PRESENTED AT THE PREVIOUS ROUND OF TALKS. END SUMMARY.

1. COMMENT: THE NOTE DOES NOT APPEAR TO BREAK NEW GROUND EXCEPT ON CHARTERS. THE FORMULATION ON PAN AM CHARTERS  
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PAGE 02 MOSCOW 08039 071925Z

SUGGESTS THAT FUTURE APPROVALS WILL CONTINUE TO BE LINKED WITH REQUESTS FOR EXTRA SECTIONS FOR REGULAR AEROFLOT FLIGHTS. CONTINUATION OF PAN AM CHARTERS, ALBEIT CONDITIONAL, IS PROBABLY DESIGNED TO APPEAR RESPONSIVE TO A CURRENT MAJOR US INTEREST AND ALSO TO FORESTALL ANY CURTAILMENT BY THE US OF WASHINGTON SERVICE FOR AEROFLOT. NON-APPROVAL OF OTHER US AIRLINE CHARTER FLIGHTS--OF WHICH FEW, IF ANY, ARE

IN PROSPECT BEFORE FALL--COULD BE A FACE-SAVING DEVICE IN VIEW OF PAST SOVIET THREATS TO END ALL CHARTERS AFTER EXPIRATION OF THE CHARTER UNDERSTANDING. IF LEFT UNCHALLENGED, HOWEVER, THIS NEW PROHIBITION COULD BE TRANSFORMED INTO SOVIET BARGAINING LEVERAGE SHOULD OTHER US AIRLINES SUBMIT A CHARTER PROGRAM LATER THIS YEAR IN THE USSR, E.G., THE OVERSEAS NATIONAL AIRWAYS PROPOSED PROGRAM OF FOUR CHARTERS IN NOVEMBER, REFTEL B. THE CLEAR INTENT OF THE NOTE IS TO SIGNAL THAT BASIC SOVIET POSITIONS ARE UNCHANGED, BUT NOT TO BURN ANY BRIDGES IRREVOCABLY. THE CALL FOR CONTINUED TALKS, NOW TO BE AT US INITIATIVE, SUGGESTS ALSO THAT THE NOTE WAS DESIGNED TO SET OUT IN ADVANCE A TOUGH SOVIET POSITION IN PREPARATION FOR A POSSIBLE RESUMPTION OF TALKS. EMBASSY'S INFORMAL TRANSLATION OF NOTE FOLLOWS:

2. BEGIN TEXT:

THE MINISTRY OF FOREIGN AFFAIRS OF THE UNION OF THE SOVIET SOCIALIST REPUBLICS IN REFERENCE TO THE NOTE OF APRIL 4, 1977 OF THE EMBASSY OF THE UNITED STATES OF AMERICA CONCERNING AIR TRANSPORT SERVICES BETWEEN THE USSR AND THE USA, CONSIDERS IT NECESSARY TO STATE THE FOLLOWING.

THE APPROACH OF THE AMERICAN SIDE TO THE SOLUTION OF QUESTIONS OF BILATERAL COOPERATION IN THE FIELD OF AIR TRANSPORT SERVICES, AS REFLECTED IN THE EMBASSY NOTE, CANNOT BE CONSIDERED POSITIVE. IT IS REGRETTABLE THAT THE AMERICAN SIDE, INSTEAD OF SEEKING MUTUALLY ACCEPTABLE SOLUTION ON THE BASIS OF EXISTING AGREEMENTS AND UNDERSTANDINGS, IN FACT, IN A UNILATERAL FASHION, HAS PROCEEDED ESSENTIALLY ON THE PATH OF CURTAILING REGULAR IAR TRANSPORT SERVICES BETWEEN OUR LIMITED OFFICIAL USE

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PAGE 03 MOSCOW 08039 071925Z

COUNTRIES.

THE MINISTRY CANNOT AGREE WITH THE AMERICAN SIDE'S INTERPRETATION OF THE STATUS QUO WITH RESPECT TO REGULAR FLIGHTS (TWO FLIGHTS PER WEEK), INASMUCH AS IN ACCORDANCE WITH THE JUNE 1973 PROTOCOL AND SUBSEQUENT UNDERSTANDINGS REGULAR FLIGHTS BETWEEN THE USSR AND THE USA HAVE BEEN CARRIED OUT FOR A NUMBER OF YEARS UP TO THE PRESENT TIME WITH A FREQUENCY OF FOUR FLIGHTS PER WEEK IN SUMMER SEASON. THE USA POSITION ON THIS MATTER IS A DEVIATION FROM THE ABOVE-NOTED PROTOCOL AND SUBSEQUENT UNDERSTANDINGS WHICH ENVISAGE FURTHER DEVELOPMENT OF AIR TRANSPORT SERVICES BETWEEN THE TWO COUNTRIES.

IT IS ALSO IMPOSSIBLE TO AGREE WITH THE WAY IN WHICH THE EMBASSY NOTE LINKS THE QUESTION OF CHARTER FLIGHTS WITH AEROFLOT FLIGHTS TO WASHINGTON. IN ACCORDANCE WITH THE PROTOCOL OF JUNE 23, 1973, AEROFLOT RECEIVED THE RIGHT TO FLY TO WASHINGTON ON A RECIPROCAL BASIS FOR PAN AM'S RECEIVING THE RIGHT TO FLY TO LENINGRAD.

WE SHOULD BEAR IN MIND THAT THE ABOVE-MENTIONED PROTOCOL, ON THE BASIS OF WHICH THE AIRLINES OF THE TWO SIDES RECEIVED

THE RIGHT BOTH TO OPEN NEW ROUTES TO THE ABOVE-MENTIONED CITIES AND THE RIGHT TO MAKE A CHANGE OF GAUGE, INCLUDING WIDE-BODIED, AT INTERMEDIATE POINTS, ALSO ENVISAGED THAT THE EXISTING ARRANGEMENT ON FLIGHT FREQUENCIES CONTAINED IN THE AGREEMENT ON AIR TRANSPORT SERVICES WOULD BE AMENDED TO INCREASE THESE FREQUENCIES. IT WAS ALSO EMPHASIZED THAT THE EXPANSION OF REGULAR AIR TRANSPORT SERVICES WOULD HAVE A PERMANENT CHARACTER.

AS FAR AS CHARTER FLIGHTS ARE CONCERNED, AS IS KNOWN, AN ORAL UNDERSTANDING WAS REACHED ON CONDUCTING SUCH FLIGHTS OVER AN EXPERIMENTAL PERIOD UP TO MARCH 31, 1975, WHICH WAS SUBSEQUENTLY EXTENDED SIMULTANEOUSLY WITH THE UNDERSTANDING ON THE FREQUENCY OF REGULAR FLIGHTS. BESIDES, THE LEVEL OF FREQUENCY OF REGULAR FLIGHTS TENDED TO INCREASE.

IN CONNECTION WITH THE FACT, AS IS CLEAR FROM THE EMBASSY NOTE, THAT THE AMERICAN SIDE IS NOT PREPARED TO GO BEYOND TWO FLIGHTS PER WEEK, THUS LOWERING EVEN THE INITIAL LEVEL OF LIMITED OFFICIAL USE

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PAGE 04 MOSCOW 08039 071925Z

FREQUENCIES STIPULATED IN THE 1973 PROTOCOL, THE MINISTRY OF FOREIGN AFFAIRS OF THE USSR CANNOT ACCEPT THE STATEMENT CONTAINED IN THE EMBASSY NOTE THAT IF CHARTER FLIGHTS BY AMERICAN AIRLINES ARE NOT PERMITTED THAT THIS COULD MAKE IT IMPOSSIBLE TO MAINTAIN EVEN THE PRESENT FREQUENCY OF REGULAR FLIGHTS. SUCH A FORMULATION MAKES EVEN MORE INCOMPREHENSIBLE THE POSITION CONSTANTLY TAKEN BY AMERICAN REPRESENTATIVES IN DISCUSSING THE PROBLEM OF "IMBALANCE." ON ONE HAND, AS MENTIONED IN THE EMBASSY NOTE, CHARTER FLIGHTS ARE LINKED WITH THE FREQUENCY OF REGULAR FLIGHTS, ON THE OTHER HAND, THE AMERICAN SIDE REFUSES TO RESOLVE THE PROBLEM OF THE "IMBALANCE" BY TAKING INTO ACCOUNT BOTH REGULAR AND CHARTER FLIGHTS.

IT IS ABSOLUTELY CLEAR, THAT TO ACHIEVE A MUTUALLY ACCEPTABLE UNDERSTANDING ON REMOVING THE "IMBALANCE" IN THE VOLUME OF FLIGHTS BY THE DESIGNATED AIRLINES, IT IS NECESSARY FOR THE AMERICAN SIDE TO DESIST FROM ITS UNJUSTIFIED POSITION ON THIS MATTER AND TO TAKE INTO ACCOUNT THE TOTAL VOLUME OF FLIGHTS, INCLUDING BOTH REGULAR AND CHARTER FLIGHTS.

INASMUCH AS THE TERM OF THE ORAL UNDERSTANDING ON CHARTER FLIGHTS EXPIRED ON MARCH 31, 1977, IN THE FUTURE, UNTIL THE ACHIEVEMENT OF A MUTUALLY ACCEPTABLE UNDERSTANDING ON THE WHOLE COMPLEX OF AIR TRANSPORT SERVICE QUESTIONS, REQUESTS BY PAN AM FOR CHARTER FLIGHTS WILL BE CNSIDERED WITH RESPECT TO THE RELATIONSHIP OF THE TOTAL VOLUMES OF FLIGHTS BY AEROFLOT AND PAN AM BETWEEN THE USSR AND THE USA. CHARTER FLIGHTS OF OTHER AMERICAN AIRLINES WILL NOT BE PERMITTED.

AS FOR THE CALL TO THE SOVIET SIDE CONTAINED IN THE EMBASSY NOTE TO OBSERVE THE EXISTING AGREEMENTS ON CIVIL AIR TRANSPORT, THE MINISTRY COSIDERS IT NECESSARY TO EMPHASIZE THAT THE SOVIET SIDE ALWAYS ADHERED TO AND IS ADHERING TO THE AGREEMENTS

AND UNDERSTANDINGS CONCLUDED AND EXPECTS THE SAME FROM THE AMERICAN SIDE.

AT THE LAST TALKS IN WASHINGTON AND IN MOSCOW, THE SOVIET DELEGATION PRESENTED A NUMBER OF CONSTRUCTIVE PROPOSALS INCLUDING ONE TO RESOLVE THE PROBLEM OF "IMBALANCE" TAKING LIMITED OFFICIAL USE

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PAGE 05 MOSCOW 08039 071925Z

INTO ACCOUNT PROSPECTS FOR THE DEVELOPMENT OF REGULAR FLIGHTS BY BOTH DESIGNATED AIRLINES.

THE MINISTRY CONFIRMS THAT SOVIET ORGANIZATIONS ARE READY TO CONTINUE THE TALKS ON AIR TRANSPORT SERVICE ISSUES AT A CONVENIENT TIME FOR THE AMERICAN SIDE WITH THE AIM OF FINDING MUTUALLY BENEFICIAL AND ACCEPTABLE SOLUTIONS FOR BOTH SIDES. IT IS EXPECTED THAT THE AMERICAN SIDE WILL DISPLAY A POSITIVE ATTITUDE TOWARDS THOSE CONSTRUCTIVE PROPOSALS, WHICH WERE PRESENTED BY THE SOVIET SIDE AT THE TALKS HELD IN FEBRUARY-MARCH 1977. END TEXT.

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## Message Attributes

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